

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

JOHN T. BELL,

Plaintiff,

VS.

COMTRUST, INC.

Defendant.

No. 07 CV 7086

Judge Darrah

Plaintiff's Motion for Expedited Production of Financial Records

Plaintiff John T. Bell moves that Defendant Comtrust Inc. produce within 10 days financial records sufficient to explain why it does not have sufficient funds to pay a \$594,292 customer arbitration award when Comtrust filed financial data with the CFTC on November 30, 2007 stating that it has net capital of \$1,012,955.

In support, plaintiff states:

1. On December 10, 2007, a three person National Futures Association Panel entered an award of \$594,292 in favor of Plaintiff. Plaintiff is 81 years old, suffers from substantial loss of his mental faculties, and lost most of his life savings through Comtrust. He lost close to \$800,000 with \$575,932 charged in fees and commissions in a few months.

2. The award was payable under NFA rules on January 10, 2008. Comtrust failed to pay it. The NFA has filed a Notice and Order of Suspension of Membership against Comtrust which will suspend it from the industry until it pays this award. See Exhibit A hereto. Further, this Court entered an Order dated December 20, 2007 requiring

Comtrust to maintain \$600,000 in capital.

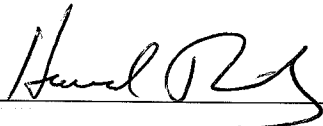
3. Futures commission merchants such as Comtrust Inc. are required to maintain minimum net capital for the precise purpose of ensuring that customer awards such as the one in favor of plaintiff can be paid. According to Comtrust's filing with the CFTC on November 30, 2007, it had minimum net capital of \$586,139 plus excess net capital of \$426,816 for a total of \$1,012,955. See Exhibit B. Therefore, it is not clear why Comtrust states that it does not have adequate money to pay the award of \$594,292.

4. Plaintiff requests that Comtrust Inc. produce the following statements within ten days:

- a. Current income statement and balance sheet;
- b. Current statement of assets including cash and liquid securities;
- c. All documents relating to how Comtrust calculated its net capital as \$1,012,955 as of October 31, 2007 in its filing with the CFTC;
- d. All documents relating to Comtrust's current adjusted net capital, net capital requirement and excess net capital.

Wherefore, plaintiffs moves that defendant be ordered to produce the aforesaid books and records on or before January 31, 2008.

Plaintiff John T. Bell

By 

January 11, 2008

Howard B. Prossnitz, Esq.
Law Offices of Howard Prossnitz
Suite 2670
200 West Madison Street
Chicago, Illinois 60606
(312) 960-1800
(312) 960-1804 (Fax)
howard@prossnitzlaw.com

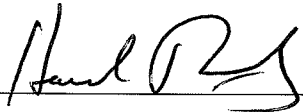
James L. Kopecky, P.C.
312 N. Clark Street
Suite 2200
Chicago, IL 60610
312 527-3966
312 527-3968 fax
jim@jlkopecky.com

Certificate of Service

I, Howard Prossnitz, an attorney served a copy of the foregoing on the following attorneys electronically and by fax on this 11th day of January, 2008:

Andrew Staes, Esq.
Suite 1631
111 West Washington
Chicago, IL 60602
fax 312 201 9233

Gary Sinclair, Esq.
2043 N. Mohawk
Chicago, IL 60614
fax 773 871-4389





BEFORE THE
NATIONAL FUTURES ASSOCIATION

In the Matter of:

Comtrust, Inc.
(NFA ID #0346967)

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)
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Case No. 06-ARB-61

**NOTICE AND ORDER OF SUSPENSION OF
MEMBERSHIP PURSUANT TO NFA CODE OF ARBITRATION SECTION 10(g)**

National Futures Association ("NFA") hereby notifies Comtrust Inc. ("Comtrust") that the President of NFA has determined that Comtrust should be summarily suspended from NFA Membership pursuant to NFA Code of Arbitration Section 10(g) due to its failure to pay the Award in the NFA arbitration proceeding captioned, Bell v. Comtrust, Inc., et al., Case Number 06-ARB-61.

On December 10, 2007, NFA served the Award on Comtrust, Inc. On January 10, 2008, NFA was informed that the Award has not been paid.

The suspension shall become effective thirty (30) days from the date of this Notice and Order unless NFA receives evidence that Comtrust has satisfied the Award, posted a bond in accordance with Section 10(g) of the Code or complied with other terms in lieu of the bond that are acceptable to the Claimant in this matter. The suspension will remain in effect until NFA receives evidence that Comtrust has either satisfied the Award, posted a bond in accordance with Section 10(g) of the code or complied with other terms in lieu of the bond that are acceptable to the Claimant. This evidence should be addressed to:

National Futures Association
300 South Riverside Plaza
Suite 1800
Chicago, Illinois 60606
Attn: Arbitration Department

Exhibit A

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Be advised that NFA Compliance Rule 2-6 prohibits a Member from conducting futures-related business with a suspended Member or Associate Member of NFA and prohibits the suspended Member or Associate Member from holding himself out as a Member or Associate Member in good standing.

Date: January 11, 2008

By: 
Daniel J. Roth, President



AFFIDAVIT OF SERVICE

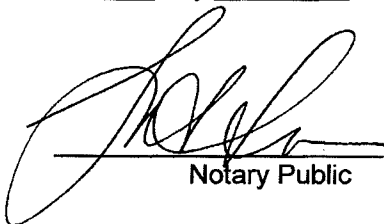
I Elizabeth C. Sheridan, on oath state that on January 11, 2008, I served a copy of the attached Notice and Order of Suspension of Membership pursuant to NFA Code of Arbitration Section 10(g) by sending a copy via Federal Express, overnight service, in an envelope addressed as follows:

Mr. Timothy Redding
Comtrust, Inc.
2999 N.E. 191 Street
Suite 601
Aventura, Florida 33180

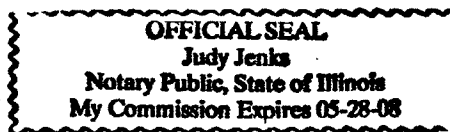
Mr. Gary Sinclair
Attorney at Law
2043 N. Mohawk Street
Chicago, Illinois 60614

Elizabeth C. Sheridan
Elizabeth C. Sheridan

Subscribed and sworn to before me
this 11th day January, 2008.



Notary Public



SELECTED FCM FINANCIAL DATA AS OF
October 31, 2007
FROM REPORTS FILED BY
November 30, 2007

1 of 5

Futures Commission Merchant	B/D?	DSRO	A/O Date	Adjusted Net Capital	Net Capital Requirement	Excess Net Capital	Customers Seg Required 4d(a)(2)	Customer Amount Pt. 30 Required
1 3D FOREX, LLC	N	NFA	10/31/2007	8,340,374	500,000	7,840,374	0	0
2 ABBEY NATIONAL SECURITIES INC	Y	NFA	10/31/2007	137,564,765	23,533,020	114,031,745	302,027,507	0
3 ADM INVESTOR SERVICES INC	N	CBOT	10/31/2007	160,989,606	59,592,602	101,397,004	1,111,568,511	43,207,840
4 ADVANTAGE MARKETS INC	N	NFA	10/31/2007	1,322,437	1,000,000	322,437	0	0
5 ADVANTAGE FUTURES LLC	N	CME	10/31/2007	19,246,883	3,536,540	15,710,343	154,954,961	20,837,155
6 AG EDWARDS & SONS INC	Y	CBOT	10/31/2007	1,262,701,677	33,043,393	1,229,658,284	266,448,504	270,350
7 AIG CLEARING CORPORATION	N	NYME	10/31/2007	293,303,366	40,598,943	252,704,443	12,427,362	0
8 ALARON TRADING CORPORATION	N	CME	10/31/2007	7,288,333	3,121,904	4,166,429	160,344,227	6,451,075
9 ALPARI (US) LLC	N	NFA	10/31/2007	2,481,626	1,000,000	1,481,626	0	0
10 BACERA CORPORATION	N	NFA	10/31/2007	2,300,145	1,000,000	1,300,145	0	0
11 BANC OF AMERICA SECURITIES LLC	Y	CME	10/31/2007	2,116,052,393	351,855,130	1,764,197,263	1,924,982,020	14,276,393
12 BARCLAYS CAPITAL INC	Y	NYME	10/31/2007	1,314,404,218	389,276,055	925,128,163	3,630,489,227	2,150,112,316
13 BEAR STEARNS & CO INC	Y	NFA	10/31/2007	(9)	549,111,916	(9)	0	0
14 BEAR STEARNS SECURITIES CORP	Y	CME	10/31/2007	4,425,434,636	1,201,022,349	3,224,412,287	2,843,199,364	765,230,551
15 BGC SECURITIES	Y	NFA	10/31/2007	3,748,994	500,000	3,248,994	0	0
16 BNP PARIBAS COMMODITY FUTURES INC	N	NYME	10/31/2007	153,340,998	99,778,659	53,562,339	827,622,189	235,596,448
17 CADEANT FINANCIAL SERVICES LLC	N	CME	10/31/2007	6,907,539	4,771,199	2,136,340	204,888,687	1,318,533
18 CALYON FINANCIAL INC	Y	CME	10/31/2007	739,338,990	459,645,942	279,693,048	7,131,518,991	1,495,303,075
19 CANTON FITZGERALD & CO	Y	CBOT	10/31/2007	180,681,050	2,122,125	178,558,925	8,304,081	0
20 CAPITAL MARKET SERVICES LLC	N	NFA	10/31/2007	10,883,200	3,928,074	6,955,126	0	0
21 CIBC WORLD MARKETS CORP	Y	CME	10/31/2007	1,130,913,238	21,119,238	1,109,794,000	10,157,630,616	429,806,331
22 CITIGROUP GLOBAL MARKETS INC	Y	CBOT	10/31/2007	(9)	866,197,862	(9)	0	0
23 CLIFF LARSON COMPANY THE	N	NFA	10/31/2007	939,865	539,137	400,728	10,362,717	0
24 CMC MARKETS (US) LLC	N	NFA	10/31/2007	2,139,484	1,000,000	1,139,484	0	0
25 COMTRUST INC	N	NFA	10/31/2007	1,012,955	586,139	426,816	12,919,827	0
26 COUNTRY HEDGING INC	N	NFA	10/31/2007	18,061,439	10,545,405	7,516,034	194,272,255	0
27 CREDIT SUISSE SECURITIES (USA) LLC	Y	CBOT	10/31/2007	5,197,669,065	185,952,652	5,011,716,413	1,764,465,273	980,409,484
28 CROSSLAND LLC	N	CBOT	10/31/2007	3,630,929	500,000	3,130,929	13,676,901	0
29 CUNNINGHAM COMMODITIES LLC	N	CBOT	10/31/2007	3,359,255	894,471	2,464,784	25,836,429	103,035
30 DAIWA SECURITIES AMERICA INC	Y	CME	10/31/2007	222,476,164	2,345,625	220,130,539	6,677,775	1,138,811
31 DEUTSCHE BANK SECURITIES INC	Y	CBOT	10/31/2007	2,635,354,234	259,928,752	2,375,425,482	4,506,155,962	1,225,474,507
32 DIRECT FOREX LLC	N	NFA	10/31/2007	728,289	500,000	228,289	0	0
33 DORMAN TRADING LLC	N	CME	10/31/2007	10,646,645	500,000	10,146,645	47,041,161	94,982
34 DUNAVANT COMMODITY CORP	N	NFA	10/31/2007	37,061,053	1,235,105	35,825,948	0	0
35 EFX OPTIONS LLC	N	NFA	10/31/2007	4,530,543	1,000,000	3,530,543	0	0
36 EAGLE MARKET MAKERS INC	N	CBOT	10/31/2007	5,500,559	500,000	5,000,559	10,532,718	0
37 EASY FOREX US LTD	N	NFA	10/31/2007	3,789,605	2,000,000	1,789,605	0	0
38 ED & MAN COMMODITY ADVISORS INC	N	NFA	10/31/2007	1,246,738	500,000	746,738	0	0
39 ELECTRONIC BROKERAGE SYSTEMS LLC	Y	NFA	10/31/2007	10,517,866	500,000	10,017,866	236,188,752	0
40 ENSKILDA FUTURES LTD	N	CME	10/31/2007	20,772,977	9,082,902	11,690,075	0	0
41 FARR FINANCIAL INC	N	NFA	10/31/2007	1,482,426	583,132	899,294	35,612,832	156,683
42 FC STONE LLC	N	CME	10/31/2007	86,747,911	41,771,267	44,976,644	954,485,935	4,709,718
43 FIMAT USA LLC	Y	NYME	10/31/2007	606,236,459	473,240,095	132,996,364	6,965,977,129	1,989,220,642
44 FIRST CAPITOL GROUP LLC	N	NFA	10/31/2007	6,480,456	1,775,377	4,705,079	73,096,569	87,999
45 FOREX CAPITAL MARKETS LLC	N	NFA	10/31/2007	65,255,249	13,407,759	51,847,490	0	0
46 FOREX CLUB FINANCIAL COMPANY INC	N	NFA	10/31/2007	3,320,420	1,000,000	2,320,420	0	0

Exhibit B